

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SCOTT TURNER,

Plaintiff,

v.

NEW JERSEY STATE POLICE, et al.,

Defendants.

Civ. No. 08-5163(KM) (JBC)

**MEMORANDUM OPINION
& ORDER**

MCNULTY, U.S.D.J.:

Now before the Court are the motions of Defendants (1) for leave to file an over-length brief in support of their motion for summary judgment and (Dkt. No. 212), and (2) to deem their motion for summary judgment timely (Dkt. No. 213). For the reasons set forth below, the motions are reluctantly granted.

On the date (twice extended) that the brief was due, counsel filed a motion to extend the page limit, unaccompanied by any brief. The explanation proffered now is that counsel was once “admonished” for simultaneously filing a motion to file an overlength brief together with the brief itself. Just so; but that means that the motion for an overlength brief should therefore have *preceded* the due date. Filing such a motion is not a means for a party to grant itself an extension of time. Counsel further explains that he attempted to contact the Court, but was unable to speak to anyone. (Attorney Decl. ¶ 6) I cannot fathom what that might mean.

Plaintiff has not responded to the summary judgment motion, no doubt because it has not yet been accepted for filing. Further delay has resulted. I am not at all persuaded that a 73-page brief (without statement of facts) is necessary. At this point, however, accepting it is the lesser of two evils.

By no means do I wish to encourage overlong briefs, which are often quite unhelpful to the Court. In fairness, however, I cannot hold plaintiff to the page limits if, however inadvisedly, he wishes to respond in kind.

Accordingly, **IT IS** this 10th day of June, 2016,

ORDERED as follows:

1. Defendants' motion for leave to file an over-length brief of 73 pages (Dkt. No. 212) is **GRANTED**.
2. Defendants' motion for leave to deem their summary judgment motion as timely filed (Dkt. No. 213) is **GRANTED**.
3. Defendants' motion for summary judgment (Dkt. No. 211) is deemed timely filed as of today's date.
4. Adjusting Magistrate Judge Clark's now obsolete briefing schedule, I will order the following:
Opposition brief: **July 18, 2016**
Reply brief: **August 1, 2016**
5. Plaintiffs' opposition brief may be up to 73 pages, and reasonable requests for an extension of time will be considered.
6. Any application by Defendants for an extension of the page limit or deadline to file their reply brief will be denied absent extraordinary circumstances.



HON. KEVIN MCNULTY, U.S.D.J.